

ORDINANCE NO. 052, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONVEYANCE OF ONE PERMANENT EASEMENT  
AND ONE TEMPORARY CONSTRUCTION EASEMENT FOR THE  
CONSTRUCTION OF A PORTION OF PHEMISTER TRAIL ON CITY  
PROPERTY TO COLORADO STATE UNIVERSITY

A. The City's Gardens on Spring Creek property is comprised of 18.050 acres and contains a portion of the City's Spring Creek Trail, a multi-modal trail.

B. Colorado State University ("CSU") seeks two easements ("the Easements") from the City on a portion of the Gardens on Spring Creek property, including one temporary construction easement and one permanent easement to allow for the construction, operation, and maintenance of a portion of the multi-modal Phemister Trail, which allows for the connection of the Phemister Trail and the Spring Creek Trail.

C. The permanent easement consists of 13,120 square feet of City property on the northern portion of the Gardens on Spring Creek, being comprised of two separate areas (7,323 square feet and 5,797 square feet) separated by property owned by CSU.

D. The temporary construction easement consists of 26,944 square feet of City property, being comprised of three separate areas (10,981 square feet, 8,715 square feet, and 7,248 square feet). Work within the temporary construction easement will mainly include grading, regrading, and construction activities to support the trail and a bridge over Spring Creek.

E. City staff estimates that the fair market value of the Easements to total \$15,159.

F. Section 23-111 of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. City staff has recommended that the City grant the Easements at no cost to CSU. The City Council concurs and determines that the disposition of this property interest serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

- a. The Easements promote health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins because it allows for expanded use of multi-modal trails available to the public;

- b. The expansion of multi-modal trails supports City active modes goals;
- c. The financial support provided through the grant of the Easements to CSU can be leveraged through benefits to the City's cooperative relationship with CSU;
- d. The financial benefit to CSU is not substantial relative to the public purpose of expanding the multi-modal trail system in the city; and
- e. The grant of the Easements will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

I. The City Council finds that granting the Easements to CSU as described above is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easements to CSU on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easements to CSU on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

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Mayor

ATTEST:

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Interim City Clerk

Effective Date: April 26, 2024  
Approving Attorney: Ted Hewitt